

Habitat Restoration



What the Corps Can Do

The Corps of Engineers has the authority, provided by Section 1135 of the Water Resources Development Act of 1986, as amended, to plan, design and construct fish and wildlife habitat restoration measures. To be eligible for consideration, restoration measures must involve modification of the structures or operations of a project constructed by the Corps of Engineers, or modification of an off-project site when it is found that the Corps project has contributed to the degradation of the environment.

To qualify under this program, projects must be justified - that is, the benefits resulting from constructing the project must exceed the cost incurred to design and construct the project. The project also must be environmentally acceptable and complete within itself. In addition, each separate project is limited to a total Federal

cost of not more than \$5 million, including studies, plans and specifications, and construction. The study process consists of a feasibility investigation. The feasibility phase involves all planning and engineering activities required to reach a conclusion on Federal participation in construction of a project. The feasibility study is initially Federally funded.

Once a project is approved for construction, the non-Federal sponsor is required to contribute 25 percent up-front financing for construction. At that time, the non-Federal sponsor also reimburses the Federal Government for 25 percent of the feasibility study costs. The non-Federal sponsor can receive credit for required local cooperation items spelled out below. The non-Federal sponsor can receive credit for work in-kind. The work in-kind cannot exceed 80 percent of the non-federal share.

Local Responsibilities

Before a project is implemented, formal assurances of local cooperation must be furnished by a State or local agency, federally recognized tribe, or private entity empowered with sufficient legal and financial authority to comply with all assurance items. Typically, the non-Federal sponsor must agree to the following:

1. Provide all lands, easements, rights-of-way, utility relocations and alterations, and highway or bridge construction and alterations needed for project construction.



**US Army Corps
of Engineers**
St. Paul District

2. Hold and save the United States free from damages due to the construction works, not including damages during construction, operation and maintenance that are due to the fault or negligence of the United States or its contractors, and adjust all claims concerning water rights.

3. Maintain, operate, repair, replace and rehabilitate the project after completion in accordance with regulations prescribed by the Secretary of the Army.

4. Contribute a minimum of 25 percent up-front financing for construction.

Sample Resolution

Be it resolved that the (City Council, Tribal Council, County Board, etc.) requests the U.S. Army Corps of Engineers to conduct studies to determine the feasibility of developing a fish and wildlife habitat restoration project at (location) under the authority provided by Section 1135 of the Water Resources Development Act of 1986, as amended.

It is understood that, if it is found feasible and advisable to develop a fish and wildlife habitat restoration project at (location), the (City Council, Tribal Council, etc.) would be required to enter into contractual agreements that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

The (Clerk, Secretary, etc.) of the (City Council, Tribal Council, etc.) shall be, and is hereby, directed to transmit three copies of this resolution to the District Engineer, St. Paul District, U.S. Army Corps of Engineers, 190 5th Street East, St. Paul, Minnesota 55101-1638.

Signed
(Mayor, Chairman, etc.)

Date (Date)

Point of Contact:
(Name, Title, Address, Phone Number)

How to Request a Study

An investigation under Section 1135 may be initiated after receipt of a formal request from the prospective sponsoring agency. An example of an acceptable resolution is given above. This request and any further inquiries concerning a habitat restoration project should be made directly to:

*St. Paul District, Corps of Engineers
Project Management Branch and
Development Branch
190 5th Street East
St. Paul, Minnesota 55101-1638*

*Contact Person: Tom Crump
(651) 290-5284
email:
thomas.l.crumpp@usace.army.mil*

*District internet page:
www.mvp.usace.army.mil*